

COPY

PATENT
Attorney Docket No.: CIT1530-1

COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David A. Tirrell

Art Unit: 1641

Serial No.: 10/015,956

Examiner

Filed: December 10, 2001

Title: FUSION PROTEIN MICROARRAYS AND METHODS OF USE

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in connection with the above-identified patent application,
please find the following:

- (1) Request for Corrected Filing Receipt; (2 pgs)
- (2) Copy of Filing Receipt reflecting changes; (2 pgs)
- (3) Copy of Patent Application Transmittal Letter; (3 pgs) and
- (4) Return postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>4/12/02</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231	
<u>Cecilia Tobin</u>	
(Name of Person mailing Paper)	
<u>Cecilia Tobin</u>	<u>4/12/02</u>
(Signature of Person Mailing Paper)	Date

In re Application of:

David A. Tirrell

Application No.: 10/015,956

Filed: December 10, 2001

Page 2

PATENT

Attorney Docket No.: CIT1530-1

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date:

April 12, 2002

Richard J. Imbra

Richard J. Imbra

Registration No. 37,643

Telephone: (858) 677-1496

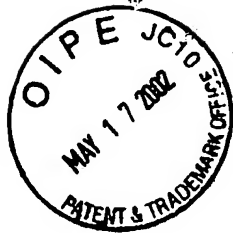
Facsimile: (858) 677-1465

USPTO CUSTOMER NO. 28213

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2133



#4

December 10, 2001

COPY OF PAPERS
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ATTORNEY DOCKET No.: CIT1530-1

ATTN: BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the new provisional-to-utility patent application of:

APPLICANT: DAVID A. TIRRELL

FOR: FUSION PROTEIN MICROARRAYS AND METHODS OF USE

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

Number of Pages

Specification	30
Claims	5
Abstract	1
Declaration – unsigned	3
Drawings – informal	2

EXPRESS MAIL Number: EV 016236168 US
Date of Deposit: December 10, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:
ATTN: BOX PATENT APPLICATION, Commissioner for Patents,
Washington, D.C. 20231

JASON BERRY

(Name of Individual Depositing with P.O.)

(Signature of Individual Depositing with P.O.)

GRAY CARY WARE & FREIDENRICH LLP

ATTORNEY DOCKET NO.: CIT1530-1

ATTN: BOX PATENT APPLICATION

December 10, 2001

Page 2

Enclosures:

- Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i); and
- Return Receipt Postcard

This application claims priority under 35 U.S.C. § 119(e)(1) to U.S. Provisional Application Serial No. 60/254,516, filed December 8, 2000, the contents of which is incorporated by reference in its entirety herein.

The filing fee is calculated as follows:

Applicants claim SMALL entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

	Number Filed			Number Extra		Rate			Fee	
						Large Entity	Small Entity		Large Entity	SMALL Entity
Total Claims	56	-20	=	36	X	\$18	\$09	=	\$00	\$00
Independent Claims	4	-3	=	1	X	\$84	\$42	=	\$00	\$00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						\$280	\$140		\$00	\$00
						BASIC FEE			\$740.00	\$370.00
						TOTAL FEE			\$00	\$00

Please **DEFER** the payment of the **FILING FEE** until the executed Declaration is filed.

The Commissioner is hereby authorized to apply any other required fees or any credits to Deposit Account No. 50-1355, referencing the attorney docket number shown above.

If this application is found to be **INCOMPLETE**, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

GRAY CARY WARE & FREIDENRICH LLP

ATTORNEY DOCKET No.: CIT1530-1

ATTN: BOX PATENT APPLICATION

December 10, 2001

Page 3

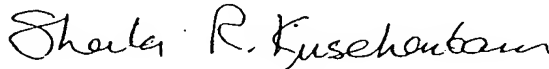
All future correspondence should be addressed to:

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

A copy of this letter is enclosed. Kindly acknowledge receipt of this application by returning the enclosed postcard.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP



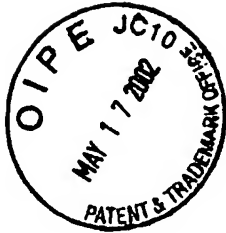
Sheila R. Kirschenbaum, J.D., Ph.D.
Registration No.: 44,835

December 10, 2001

Date

LAH/SRK:ct
Enclosures

Gray Cary\GT\6269518.1
104662-86



Recd [Signature]

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PATENT
Attorney Docket No.: CIT1530-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David A. Tirrell

Art Unit: 1641

Serial No.: 10/015,956

Examiner

Filed: December 10, 2001

Title: FUSION PROTEIN MICROARRAYS AND METHODS OF USE

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please change the status from "Large Entity" to **—SMALL ENTITY—**.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>4/12/02</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231	
Cecilia Tobin	
(Name of Person mailing Paper)	
Cecilia Tobin	4/12/02
(Signature of Person Mailing Paper)	Date

In re Application of:
David A. Tirrell
Application No.: 10/015,956
Filed: December 10, 2001
Page 2

PATENT
Attorney Docket No.: CIT1530-1

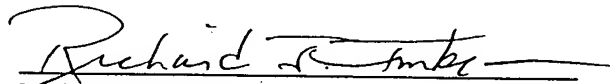
Applicant accordingly requests the correction be made of record.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date:

April 12, 2002



Richard J. Imbra
Registration No. 37,643
Telephone: (858) 677-1496
Facsimile: (858) 677-1465

USPTO CUSTOMER NO. 28213

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/015,956	12/10/2001	1641	0.00	CITI530-1	2	56	4

CONFIRMATION NO. 2956

FILING RECEIPT

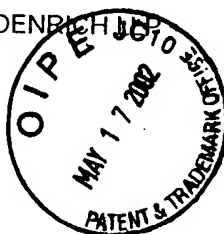
Lisa A. Haile, J.D., Ph.D.

GRAY CARY WARE & FREIDENBERG LLP

Suite 1100

4365 Executive Drive

San Diego, CA 92121-2133



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MAR 13 2002

GRAYCARY/GT PATENT



OC000000007604325

Date Mailed: 03/08/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David A. Tirrell, Pasadena, CA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/254,516 12/08/2000

Foreign Applications

If Required, Foreign Filing License Granted 03/07/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

SMALL ENTITY

Title

Fusion protein microarrays and methods of use

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

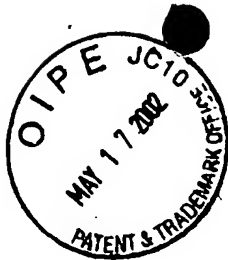
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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PATENT
ATTORNEY DOCKET NO.: CIT1530-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David A. Tirrell Art Unit: 1641
Application No.: 10/015,956 Examiner: Unassigned
Filed: December 10, 2001
Title: FUSION PROTEIN MICROARRAYS AND METHODS OF USE

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed March 8, 2002, enclosed are:

1. A copy of the Notice to File Missing Parts of NonProvisional Application (1 page);
2. An executed copy of Declaration For Patent Application (3 pages);
3. Power of Attorney By Assignee (2 pages);
4. Copy of the Transmittal and Request for Corrected Filing Receipt (Entity Status) mailed to the United States Patent and Trademark office on April 12, 2002 (9 pages);
5. Check No. 508211 in the amount of \$801.00; and
6. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, May 8, 2002 , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<u>Cecilia Tobin</u> (Name of Person Mailing Paper)	
<u>Cecilia Tobin</u> (Signature)	<u>May 8, 2002</u> (Date)

PATENT
ATTORNEY DOCKET NO.: CIT1530-1

Applicant: David A. Tirrell
Application No.: 10/015,956
Filed: December 10, 2001
Page 2

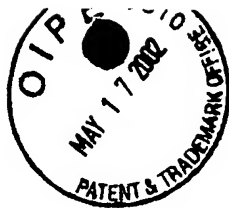
**COPY OF PAPERS
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Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The Fee for this Response is calculated as follows:

	Number Filed			Number Extra		Rate			Fee	
						Large Entity	Small Entity		Large Entity	SMALL Entity
Total Claims	56	-20	=	36	X	\$18	\$09	=	\$00	\$324.00
Independent Claims	4	-3	=	1	X	\$84	\$42	=	\$00	\$42.00
Multiple Dependent Claims Presented: ___ Yes <u>X</u> No						\$280	\$140		\$00	\$00
						BASIC FEE			\$740.00	\$370.00
						Surcharge Fee				\$65.00
						TOTAL FEE			\$00	\$801.00

Enclosed is Check No. 508211 in the total amount of \$801.00; which consists of \$370.00 for the basic filing fee; \$65.00 for the surcharge fee for missing parts of the application; \$324.00 for thirty-six (36) additional dependent claims fee; and \$42.00 for one (1) additional



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~~PATENT~~
ATTORNEY DOCKET NO.: CIT1530-1

Applicant: David A. Tirrell
Application No.: 10/015,956
Filed: December 10, 2001
Page 3

independent claim fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: May 8, 2002

Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

Gray Cary\GT\6292973.1
104662-86

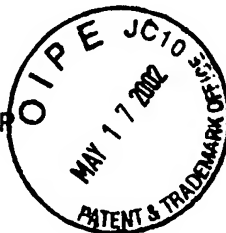


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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/015,956	12/10/2001	David A. Tirrell	CIT1530-1

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
Suite 1100
4365 Executive Drive
San Diego, CA 92121-2133



CONFIRMATION NO. 2956

FORMALITIES LETTER



OC000000007604326

Date Mailed: 03/08/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/20/2002 SMINASS1 00000096 10015956

01 FC:201	370.00 OP
02 FC:203	324.00 OP
03 FC:202	42.00 OP
04 FC:205	65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$732.
 - \$648 for 36 total claims over 20.
 - \$84 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1602.**

*A copy of this notice **MUST** be returned with the reply.*

Request webpages
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE